

E-filed on: 6/16/09

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

CAROLYN H. FRIIS,  
Judgment Creditor,  
v.  
CITY OF SAN JOSÉ,  
Judgment Debtor.

No. Misc-08-80027 RMW

ORDER DENYING SAN JOSE'S MOTION  
TO VACATE AND GRANTING SAN JOSE'S  
MOTION TO STRIKE

[Re Docket Nos. 3, 13]

The City of San Jose moves to vacate, strike and seal various filings lodged by Carolyn H. Friis that purport to be judgments against the City. Friis opposes the motion.<sup>1</sup> The court has reviewed the papers and considered the arguments of counsel. For the following reasons, the court grants the motion to strike the filings.

**I. BACKGROUND**

On March 6, 2008, Carolyn Friis filed with the court notices of a "foreign judgment" and an "apostilled judgment" against the City of San Jose in the amount of \$8,000,000 and permitting Friis

<sup>1</sup> On September 11, 2008, Friis filed a "petition to abate motion" which the court construes as an opposition to the City's motion.

1 to make additional claims of \$1,000,000 against San Jose if "the City of San Jose or any Agents  
2 again approach, harass, or intimidate Ms Friis and her friends without a lawful Order supported by a  
3 sworn Affidavit." *See* Docket Nos. 1, 2.

4 The dispute between Friis and the City appears to arise from the City's routine attempts to  
5 enforce building code provisions and inspect Friis's property. The City obtained an inspection  
6 warrant on November 2, 2007. Young Decl. ¶ 2 & Ex. B. The City searched Friis's property on  
7 November 14, 2007 and cited her. *Id.* ¶ 3 & Ex. C. The City has attempted to resolve these issues,  
8 but it appears that Friis has not complied with the citation or brought her property up to code. *See*  
9 *id.* ¶¶ 4, 6.

10 Instead, Friis has notarized a "certificate of protest / judgment" that appears to be based on  
11 the City's failure to contest an affidavit that she sent to the City in which Friis disputed that the City  
12 possessed the authority to search her property. The "judgment" states that "an affidavit sworn true,  
13 correct and complete stands as the truth in commerce and judgment of the law if not fully rebutted  
14 point for point by counter affidavit sworn or affirmed true, correct, complete certain, and not  
15 misleading." *See* Docket No. 1 ¶ p. The "judgment" reasons further that "in Commerce, Truth is  
16 sovereign," that "an un-rebutted Affidavit stands as Truth in Commerce," and that "no more than an  
17 affidavit is necessary to make the prima facie case." Since "silence is equated to agreement and  
18 acceptance," the City's failure to respond to Friis's affidavit led the City to default in Friis's eyes.  
19 Therefore, Friis entered "judgment" against the City for millions of dollars.

## 20 II. ANALYSIS

21 A judgment entered in any court of appeals, district court, bankruptcy court, or in the Court  
22 of International Trade may be registered in any other district. 28 U.S.C. § 1963. The court may not  
23 register judgments from any court that is not listed in section 1963. *Euro-American Coal Trading,*  
24 *Inc. v. James Taylor Mining, Inc.*, 431 F. Supp. 2d 705, 708-09 (E.D. Ky. 2006); *see Fox Painting*  
25 *Co. v. N.L.R.B.*, 16 F.3d 115, 116 (6th Cir. 1994). Accordingly, the federal courts lack the power to  
26  
27  
28

1 register and enforce state court judgments, let alone the "judgments" of a fictional proceeding.<sup>2</sup> *Id.*  
 2 Because the court lacks the jurisdiction to register Friis's "judgments," it has no basis for vacating  
 3 them under Rule 60(b).


4 Though there are no judgments to vacate, the court does grant the City's motion to strike  
 5 Friis's filings. Friis opposes the City's motion by arguing that her "judgments" are now the law of  
 6 the case and cannot be stricken. Friis is wrong. The doctrine of law of the case exists to prevent  
 7 relitigation of issues already decided. *See Quern v. Jordan*, 440 U.S. 332, 347 & fn.18 (1979). It in  
 8 no way grants this court jurisdiction to register Friis's "judgments." Friis also suggests that it is  
 9 inappropriate for the court to act as a "Data Integrity Board." Putting aside Friis's hyperbole, it is  
 10 within the court's power to police its limited jurisdiction and maintain its records.

11 The City also requests that the court seal the "judgments" because of the harm that such  
 12 records can have on the City's credit rating, even where the "judgments" lack any legal basis. The  
 13 court agrees that even baseless "judgments" can pose a risk of harm to the City's credit rating. The  
 14 court disagrees that sealing the records is appropriate. Instead, the court will order the clerk to  
 15 stamp "VOID BY COURT ORDER" prominently on each page of Friis's two filings.

### 16 III. ORDER

17 For the foregoing reasons, the court denies the City's motion to vacate and grants the motion  
 18 to strike. Docket entries 1 and 2 are ordered stricken. The court denies the City's motion to seal.  
 19 Instead, the clerk shall prominently stamp each page of docket entries 1 and 2 (Friis's notices of  
 20 judgment) "VOID BY COURT ORDER." If necessary, the clerk is to remove any listing of Friis's  
 21 "judgments" from its index of registered judgments. The clerk shall close the file.

22  
 23 DATED: 6/15/09

  
 24 RONALD M. WHYTE  
 United States District Judge

25  
 26  
 27 <sup>2</sup> Friis may have been inspired by various tax protester websites. For example, the  
 28 Sovereignty Education and Defense Ministry ([www.sedm.org](http://www.sedm.org)) provides sample literature describing  
 the "Notary Certificate of Dishonor Process" for resolving commercial disputes by un rebutted  
 affidavit. The full document describing the process is available to paying members only.

1 **Notice of this document has been electronically sent to:**

2 **Counsel for San Jose:**

3 Colleen Dee Winchester      colleen.winchester@sanjoseca.gov

4  
5 Counsel are responsible for distributing copies of this document to co-counsel that have not  
6 registered for e-filing under the court's CM/ECF program.

6 **Notice of this document has been mailed to:**

7 **Judgment Creditor:**

8 Carolyn H. Friiss  
9 1752 Guadalupe Avenue  
10 San Jose, CA 95113

11 **Dated:**      6/16/09

12 TER  
**Chambers of Judge Whyte**